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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/033,816	12/20/2001	Mark Tobritzhofer	P-10445.00	8442

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EXAMINER

MACHUGA, JOSEPH S

ART UNIT PAPER NUMBER

3762

DATE MAILED: 10/24/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/033,816

Applicant(s)

TOBRITZHOFFER ET AL.

Examiner

Joseph S. Machuga

Art Unit

3762

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4 and 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Art Unit: 3762

1. Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1 and 19 are indefinite. The claims recite the "connector end assembly" as both part of the lead adapter assembly and as a component distinct from the lead adapter assembly (note lines 3-5 of the claim 1 and lines 8-9 of claim 19.) Claim 3 lacks proper antecedent basis for the lower tab portion and claim 20 lacks proper antecedent basis for the 1st and 2nd lower tab portions.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 3-11 and 13-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Castle et al (# 5782892) in view of either Laherty (#5547390.)

6. Castle et al discloses a medical lead adapter used to connect a cardiac leads to an external monitor or stimulator (not shown.) The device includes a housing (60), up to three cardiac leads (12+) and a lead adapter assembly (50+) that attaches to the external monitor or stimulator. The housing as best illustrated in Figure 5 includes several recesses or grooves along the sidewalls, which would make the housing easier to handle. Not disclosed by this reference is the retaining flange.

7. Laherty discloses an electrical connector having a retaining flange (18) added to prevent the plug from being pulled out by tension on the cord. As illustrated in Figure 5 the flange can integrally molded to the face of the connector and can also be angled away from it (note the embodiment of Figures 4 and 6.) The angle of which would include 45 degrees. The flange also includes three slot openings (14.) Two of which are smaller than the cord it is designed to receive. The flange (as illustrated in the figures) would extend to the left or right of the connector. However for side mounted connector (best visualized by rotating Fig 5 - 90 degrees) the flanges would extend from the top and bottom of the connector.

8. Given Laherty's disclosure it would have been obvious to one of ordinary skill in the art to add a retaining flange to Castle et al's adapter extending either off to the sides of the housing or extending from the top and/or bottom of the housing to prevent tension on the cardiac lead that could lead to its displacement. To angle it at 45 degrees would

also have been obvious given Laherty's teaching of mounting it at an angle. For a bottom-mounted flange the upper and lower tab portions would be provided for by this proposed combination. Since there are up to three leads in Castles et al's device the particulars of claims 19+ are considered provided for by this proposed combination.

9. Claims 2 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Castle et al in view of Laherty as applied to claim 1 above, and further in view of Chamberland et al (#4690482).

10. Chamberland et al discloses a coaxial cable connector. As illustrated in Figure 1 the coupling includes a shroud portion (26), outer portion (40) and connector ring (44.) The reference teaches that this design is particularly useful for small diameter cables that are located in a harsh environment.

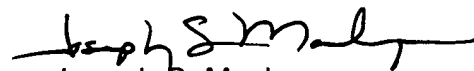
Given this disclosure it would have been obvious to use a coaxial cable of the type taught by Chamberland to join the pacing leads with the medical lead adapter in Castle et al's device given the teaching that it is particularly useful for small diameter cables which are placed in a harsh environment.

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

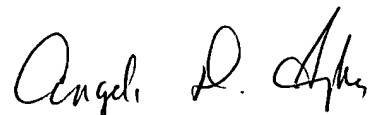
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph S. Machuga whose telephone number is 703-305-6184. The examiner can normally be reached on Monday-Friday; 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Angela D Sykes can be reached on 703-308-5181. The fax phone number for the organization where this application or proceeding is assigned is **(703) 872-9306**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.



Joseph S. Machuga
Examiner
Art Unit 3762



ANGELA D. SYKES
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700